

REMARKS

This application has been reviewed in light of the Office Action dated March 26, 2004. In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested.

Claims 11-13 and 15-18 are pending. Claims 16-18 have been withdrawn from consideration as being drawn to a non-elected species. Claim 14 has been canceled without prejudice or disclaimer of subject matter. Claims 11-13, 15 and 17 have been amended. Claims 11 and 16 are in independent form.

In the Amendment filed on July 3, 2003, Applicants called the Examiner's attention to Claim 17, which was withdrawn from consideration as being drawn to a non-elected species. In that Amendment, Applicants pointed out that Claim 17 depends from elected Claim 11 and recites subject matter consistent with elected Species A as defined by the Examiner. Accordingly, in that Amendment Applicants submitted that Claim 17 reads on the elected species and Applicants requested that Claim 17 be grouped with Species A. Having received no response from the Examiner on this point, Applicants herein reiterate their previous submission and request to the effect that Claim 17 reads on and should be grouped in elected Species A. A response from the Examiner on this point is respectfully requested.

Claims 11-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,262,000 (*Welbourn et al.*). Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Welbourn et al.* in view of U.S. Patent No. 4,684,436 (*Burns et al.*). The

cancellation of claim 14 renders the rejection of that claim moot. In response to the rejection of the other claims, Applicants respectfully submit the following remarks.

Independent Claim 11 recites, *inter alia*, a step of providing a sacrifice layer on a discharge energy generating device of a device substrate, a step of laminating a material to be a movable member on the sacrifice layer, a step of removing the sacrifice layer, and a step of, after removing the sacrifice layer, removing a right-angled part and an acute-angled part of an edge of the movable member facing a liquid flow path, by wet etching.

Welbourn et al. relates to a method for making a micromechanical switch.

According to the method, a cantilever beam 8, serving as a switch, is formed on a substrate 1 over a cavity 13. However, Applicants submit that *Welbourn et al.* does not teach or suggest many of the elements claimed in independent Claim 11. For example, nothing in *Welbourn et al.* is seen to suggest a discharge energy generation device or a liquid flow path. *A fortiori*, *Welbourn et al.* is not seen to suggest the providing step or the second-listed removing step, which recite those elements, respectively. Although *Welbourn et al.* shows (i) a passivating layer 11, which is removed before removing parts of layers 6 and 9, and (ii) sacrificial layers 3 and 4, which are removed after removing parts of layers 6 and 9 (see Figs. 4-6), nothing in *Welbourn et al.* is seen to suggest that a sacrifice layer, on which a movable member is laminated, is removed, and after the removal, right-angled and acute angled parts of an edge of the movable member are removed by wet etching.

Since, for at least the reasons given above, *Welbourn et al.* is not understood to teach or suggest all of the elements of independent Claim 11, that claim is believed allowable over the cited art.

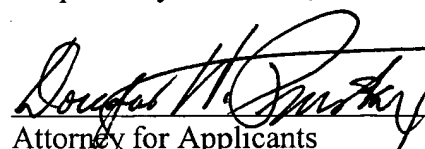
A review of the other art of record, including *Burns et al.*, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against independent Claim 11. That claim is therefore believed patentable over the art of record.

Claims 12, 13, 15 and 17, which depend from independent Claim 11, are believed patentable for at least the same reasons as discussed above with respect to Claim 11. Since each of these dependent claims is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Douglas W. Pinsky
Registration No. 46,994

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200